

Docket No.: UPVG0005-101  
PATENT

Appl. Number: 10/734,024  
Filed: 12/11/2003

### **REMARKS**

#### **Status of the Claims**

Claims 1-13 are pending in the application.

Claims 1-13 have been subject to a restriction requirement.

By way of this reply and preliminary amendment, claim 1, 4 and 5 have been amended, claims 6-13 are cancelled and new claims 14-28 are added.

Upon entry of this amendment, claims 1-5 and 14-28 will be pending.

#### **Summary of the Amendment**

Claims 1 and 4 have been amended to correct a formal error.

Claim 5 has been amended to specifically refer to only one of the three cell types listed in the claim as filed. New claims 14 and 15 specifically refer to each of the other cell types listed in claim 5 as filed.

Claim 6-13 have been canceled without prejudice as being drawn to non-elected inventions.

New claims 16-28 are directly or indirectly dependent on claims 1 (16-20) or 4 (21-28). Claims 16-19 and 21-24 specifically refer to Vpr protein; claims 20 and 25-28 specifically refer to a function fragment of Vpr protein. Claims 17-19, 22, 24 and 26-28 refer to different cell types.

Support for this amendment is found throughout the specification and claims as originally filed. No new matter has been added.

#### **Restriction Requirement**

Applicants provisionally elect Group I with traverse, with respect to Group II.

Applicants agree that the invention set forth in Group I is a separate and distinct invention from that set forth in Group II. However, the two inventions are so related, Applicants respectfully assert that examination of both groups in a single examination would not present an undue burden on the Patent Office. For the foregoing reason, Applicants respectfully

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request reconsideration and withdrawal of the restriction requirement as applied to Groups I and II.

Group I refers to methods using Vpr protein or a function fragment thereof; Group II refers to methods of using nucleic acid molecules that encode Vpr protein or a function fragment thereof. Applicants' have not deleted the subject matter of Group II from claims 1-5 but will do so if the restriction requirement is deemed final.

#### Conclusion

Claims 1-5 and 14-28 are in condition for allowance. An early indication of allowability and notice of allowance is earnestly solicited.

As indicated on the transmittal accompanying this response, the Commissioner is hereby authorized to charge any debit or credit any overpayment to Deposit Account No. 50-1275.

Respectfully submitted,



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